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Attorney Docket No.: 013341-000014

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Andrew Kaplan et al.

Application No.: 10/065,256

Filed: September 30, 2002

For: Suture Method

Box: Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

1. This replies to the Notice to File Missing Parts of Nonprovisional Application Filed Under 37 CFR 1.53(b) mailed on October 10, 2002.

A copy of the Notice to File Missing Parts of Nonprovisional Application Filed Under 37 CFR 1.53(b) is enclosed.

**DECLARATION OR OATH**

2. No original signed declaration or oath was filed and enclosed is the original signed declaration or oath for this application.

**COMPLETION FEES**

3. Filing fee

Utility patent application (37 CFR 1.16(a))--\$740.00; small entity--\$370.00)	<u>\$0.00</u>
Design application (37 CFR 1.16(f))--\$330.00; small entity--\$165.00)	<u>\$0.00</u>

Fees for claims

Independent claims in excess of three (\$84.00; small entity--\$42.00)	<u>\$0.00</u>
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Claims in excess of twenty (\$18.00; small entity--\$9.00)	<u>\$0.00</u>
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Multiple dependent claims (\$280.00; small entity--\$140.00)	<u>\$0.00</u>
Surcharge fees	
Late filing of original declaration or oath (37 CFR 1.16(e)--\$130.00; small entity--\$65.00);	<u>\$ 65.00</u>
Petition and fee for filing by other than all the inventors or a person not the inventor (37 CFR 1.17(h) and 1.47--\$130.00)	<u>\$0.00</u>
Fee for processing an application filed with a specification in a non-English language (37 CFR 1.17(k) and 1.52(d)--\$130.00)	<u>\$0.00</u>
Fee for processing and retention of application (37 CFR 1.21(l) and 1.53(d)--\$300.00)	<u>\$0.00</u>
<b>Total Completion Fees</b>	<b><u>\$ 65.00</u></b>

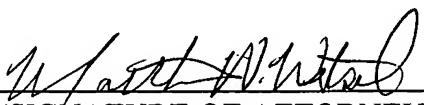
4. Payment of Fees

Enclosed is a check for \$105.00 including \$65.00 completion fees and \$40.00 Assignment recordation fee.

**AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT**

5. The Commissioner is hereby authorized to charge additional fees which may be required by this paper and during the pendency of this application to Deposit Account No. 13-4365.

December 10, 2002  
(DATE)

  
(SIGNATURE OF ATTORNEY)

Reg. No.: 47,183

Matthew W. Witsil

Type or print name of attorney

Tel No.: (919) 286-8000

2200 W. Main Street, Suite 800

Address

Durham, North Carolina 27705



12-11-02 122

Attorney Docket: 013341-000014  
MP/AB

## EXPRESS MAIL CERTIFICATE

EXPRESS MAIL LABEL NUMBER: EV205195882US

Date of Deposit: December 10, 2002

First Named Inventor: Andrew Kaplan

For: Suture Method

I hereby certify that the following documents:

Express Mail Certificate; and

1. PTO Transmittal
2. Fee Transmittal
3. Response to Notice to File Missing Parts
4. Copy of Notice to File Missing Parts
5. Executed Declaration
6. Executed Assignment w/ Form PTO-1595
7. Check in the amount of \$105
8. Acknowledgement Postcard

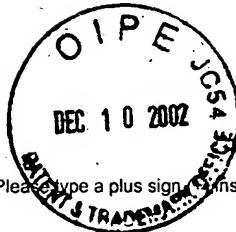
are being deposited in a single envelope with the United States Postal Services "Express Mail" service under 37 C.F.R. 1.10 on the date indicated above and such envelope is addressed to: Box: Missing Parts, Commissioner for Patents, Washington, D.C. 20231.

TIM KROLL

(Name of Person Mailing Documents)

J. Kroll

(Signature of Person Mailing Documents)



Please type a plus sign, +, inside this box →

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

Approved for use through 10/31/2002. GMD 9007-003  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/065,256
		Filing Date	September 30, 2002
		First Named Inventor	Andrew Kaplan
		Group Art Unit	3765
		Examiner Name	
Total Number of Pages in This Submission	15	Attorney Docket Number	013341-000014

# TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

**Total Number of Pages in This Submission**

**ENCLOSURES** (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input checked="" type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Copy of Notice to File Missing Parts; executed Declaration; Form PTO- 1595; check in the amount of \$105.00; acknowledgement postcard</b>
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Change of Correspondence Address	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Certified Copy of Priority Documents	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
	<b>Remarks</b>	

### Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual Name	MOORE & VAN ALLEN MATTHEW W. WITSIL, REG. NO. 47,183
Signature	
Date	December 10, 2002

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as **express mail** in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: December 10, 2002.

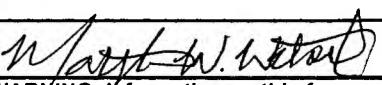
Typed or printed name	<u>TIM KROLL</u>	Date	December 10, 2002
Signature	<u>Tim Kroll</u>		

**Burden Hour Statement:** This form is estimated to take .2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<p style="text-align: center;"><b>O I P E FEE TRANSMITTAL</b> <b>for FY 2002</b> <small>Patent fees are subject to annual revision.</small></p> <p style="text-align: center;"><i>DEC 10 2002</i></p>		<b>Complete if Known</b>	
		Application Number	10/065,256
		Filing Date	September 30, 2002
		First Named Inventor	Andrew Kaplan
		Examiner Name	
		Group Art Unit	3765
Total Amount of Payment	(\$ 105.00)	Attorney Docket No.	013341-000014

<b>METHOD OF PAYMENT</b> (check all that apply)		<b>FEE CALCULATION</b> (continued)																																																																																																																																																																																															
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ADDITIONAL FEES</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Entity</th> <th style="text-align: left;">Small Entity</th> <th colspan="3"></th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>105</td> <td>130</td> <td>205</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td>65.00</td> </tr> <tr> <td>127</td> <td>50</td> <td>227</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>139</td> <td>130</td> <td>139</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>147</td> <td>2,250</td> <td>147</td> <td>2,250</td> <td>For filing a request for <i>ex parte</i> reexamination</td> <td></td> </tr> <tr> <td>112</td> <td>920*</td> <td>112</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>113</td> <td>1,840*</td> <td>113</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>115</td> <td>110</td> <td>215</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>116</td> <td>400</td> <td>216</td> <td>200</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>117</td> <td>920</td> <td>217</td> <td>460</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>118</td> <td>1,440</td> <td>218</td> <td>720</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>128</td> <td>1,960</td> <td>228</td> <td>980</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>119</td> <td>320</td> <td>219</td> <td>160</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>120</td> <td>320</td> <td>220</td> <td>160</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>121</td> <td>280</td> <td>221</td> <td>140</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>138</td> <td>1,510</td> <td>138</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>140</td> <td>110</td> <td>240</td> <td>55</td> <td>Petition to revive - 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late filing fee or oath	65.00	127	50	227	25	Surcharge - late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2,250	147	2,250	For filing a request for <i>ex parte</i> reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	400	216	200	Extension for reply within second month		117	920	217	460	Extension for reply within third month		118	1,440	218	720	Extension for reply within fourth month		128	1,960	228	980	Extension for reply within fifth month		119	320	219	160	Notice of Appeal		120	320	220	160	Filing a brief in support of an appeal		121	280	221	140	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,280	241	640	Petition to revive - unintentional		142	1,280	242	640	Utility issue fee (or reissue)		143	460	243	230	Design issue fee		144	620	244	310	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Processing fee under 37 CFR 1.17(q)		126	180	126	180	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)	40.00	146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))		149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))		179	740	279	370	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application		Other fee (specify)					**or number previously paid, if greater, For Reissues, see above		* Reduced by Basic Filing Fee Paid		SUBTOTAL(3) (\$ 105.00)
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<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>		
Name (Print Type) (Attorney/Agent)	Matthew W. Witsil		Registration No.	Telephone
Signature			47,183	919-286-8000
Date				December 10, 2002

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

Page 1 of 1  
#3

Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/065,256	09/30/2002	Andrew Kaplan	013341.14

24239  
MOORE & VAN ALLEN, PLLC  
2200 W MAIN STREET  
SUITE 800  
DURHAM, NC 27705

CONFIRMATION NO. 5660  
FORMALITIES LETTER



\*OC000000008929864\*

Date Mailed: 10/10/2002

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

12/12/2002 SMINASS1 00000030 10065256

FILED UNDER 37 CFR 1.53(b)

01 FC:2051

65.00 OP

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

*A copy of this notice **MUST** be returned with the reply.*

*Y.G.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE